

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**MELVIN EARL WILLIAMS, JR.,**

**Plaintiff,**

**v.**

**APRIL DAWN MCDONOUGH, et al.,**

**Defendants.**

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**Civil Action No. 4:17-cv-811-ALM-KPJ**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action (the “Report”) (Dkt. #113), this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. The following Motion is pending before the Court:

1. Defendants April Dawn McDonough (“Officer McDonough”) and Malcolm McGuire’s (“Officer McGuire”) (collectively, “the Officers”) First Motion for Summary Judgment (the Motion) (Dkt. #102).

In the Report, the Magistrate Judge recommended that the Officers’ Motion (Dkt. #102) be granted. Plaintiff Melvin Earl Williams, Jr. (“Plaintiff”) then filed an Objection (Dkt. #117) to the Report.

The Court has conducted a *de novo* review of the Objection and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the Objection is without merit as to the ultimate findings of the Magistrate Judge. Accordingly, Plaintiff’s Objection (Dkt. #117)

is **OVERRULED** and the Magistrate Judge's Report is **ADOPTED** as the findings and conclusions of the Court.

**IT IS ORDERED** that the Officers' Motion (Dkt. #102) is **GRANTED**. Plaintiff's excessive force claims against the Officers are hereby dismissed with prejudice to being asserted again until the *Heck* conditions are met.

**IT IS SO ORDERED.**

**SIGNED this 14th day of February, 2022.**

A handwritten signature in black ink, reading "Amos Mazzant", is written over a horizontal line.

AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE